



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, AUGUST 5, 1999**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A REGULAR MEETING AT 9:24 A.M. ON THURSDAY, AUGUST 5, 1999 AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

Mayor Watson called the meeting to order. Mayor Pro Tem Goodman and Council Member Garcia were absent.

PREVIEW OF ITEMS FOR NEXT COUNCIL MEETING

1. Review of Proposed Agenda Items from the City Manager for August 19, 1999.
2. Review of Proposed Agenda Items from Council for August 19, 1999.
3. Discuss and identify consent and discussion agenda items for the August 5, 1999 Council meeting agenda. (Agenda for August 5, 1999 is attached and incorporated by reference.)
4. Set Time Certain, if necessary, for agenda items on the August 5, 1999 Agenda.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 6-0 vote. Council Member Garcia was temporarily absent.

Item 24 was pulled for discussion.

25. Authorize City Manager to negotiate and execute an Amendment No. Three to the 1999 Interlocal Cooperation Agreement for the Human Services Program between the City of Austin and Travis County to change funding of two (2) existing contracts for relocation of

homeless services and day labor services for a decreased cost of \$2,522, for a total revised cost to the City not to exceed \$6,052,944.

Resolution No. 990805-25 was approved.

Items 26 and 27 were pulled for discussion.

28. Approve second reading of an ordinance authorizing a non-exclusive license agreement with Williams Communications, Inc. for placement of underground fiber optic cable in public rights-of-way. (Recommended by Telecommunications Commission)

The second reading of this ordinance was approved.

29. Approve second reading of an ordinance granting a non-exclusive municipal consent agreement to ARC Texas, Inc. to provide telecommunications services. (Recommended by Telecommunications Commission)

The second reading of this ordinance was approved.

30. Approve a resolution ratifying the execution of a contract with HOLT COMPANY OF TEXAS, San Antonio, Texas, for the purchase of 13 trailer-mounted generators for the Water and Wastewater Utility Department (WWW) in the amount of \$571,625. (Funding was available in the 1998-99 Approved Operating Budget of the Water and Wastewater Utility.) Single Bid. No MBE/WBE Subcontracting opportunities were identified.

Resolution No. 990805-30 was approved.

Item 31 was set for time certain at 6:00 p.m.

32. Approve an ordinance authorizing acceptance of an additional \$13,496 in grant funds from the Texas State Library to provide interlibrary loan services through the Austin Public Library System; amend ordinance 970917-A, the 1997-1998 Operating Budget, amending the Library Special Revenue Fund by appropriating an additional \$13,496 for a total grant amount of \$219,747. (\$13,496 from the Texas State Library. Total grant amount is \$219,747. The award period is September 1, 1998 through August 31, 1999. No match is required.)

Ordinance No. 990805-32 was approved.

33. Set a public hearing on the continuance of Chapter 10-7, concerning the day and night time curfews for juveniles. (Suggested Date and Time: August 19, 1999 at 6:00 p.m.)

Resolution No. 990805-33 was approved.

Items 34 and 35 were pulled for discussion.

36. Approve a resolution authorizing an Interlocal Agreement with Travis County Emergency Services District Number 11 and the Southeast Travis County (SETCO) Fire District Volunteer Fire Department for mutual aid in fire protection for a period of five years with a single two year renewal options.

Resolution No. 990805-36 was approved.

Item 37 was pulled for discussion.

38. Approve execution of an amendment to the professional services contract with Scott, Douglas & McConnico to increase the amount of attorney fees by up to \$61,000, for a total contract amount not to exceed \$100,000, for legal services Sean Mannix, et al, v. Eco Resources, Inc., et al., Cause No. 98-550-C26, in the Williamson County District Court, and related litigation.
This item was approved.

Item 39 was set for time certain at 6:00 p.m.

APPOINTMENTS

49. Animal Advisory Commission
No action was taken on this item.

CITY MANAGER'S REPORT

5. Presentation of the Proposed Budget for Fiscal Year 1999-2000
A presentation was given by City Manager Jesus Garza.
6. Adopt FY 1999-2000 Budget Schedule
A presentation was given by Charles Curry.

A motion was made to approve the new Budget Schedule on Council Member Griffith's motion, Council Member Spelman's second on a 7-0 vote.

BRIEFINGS

1999-2000 OPERATING AND CAPITAL BUDGETS

7. Neighborhood Based Policing Initiative
A presentation was given by Police Chief Stan Knee.
8. Police
A presentation was given by Police Chief Stan Knee.
9. Fire
A presentation was given by Fire Chief Gary Warren.
10. EMS
A presentation was given by EMS Department Director Sue Edwards, Richard Harrington and Assistant City Manager Marcia Conner.
11. Municipal Court
A presentation was given by Municipal Court Clerk Paul Martin, Community Court Stacy Shorter and Municipal Court Presiding Judge Penny Wilkov.

EXECUTIVE SESSION (No Public Discussion on These Items)

A motion to recess the Council meeting and go into Executive Session was approved on Council Member Griffith's motion, Council Member Garcia's second by a 5-0 vote. Council Members Slusher and Spelman were off the dais.

Executive session was held at 12:00 p.m.

The City Council announced it would go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

12. Discuss *Jesse Wickenheiser v. City of Austin, et al.*, Cause No. 97-06837, in the Travis County District Court, and *John Harris v. City of Austin, et al.*, Cause No. 95-11360, in the Travis County District Court.
13. Discuss legal issues concerning Chapter 245 of the Texas Local Government Code.

Executive Session ended at 1:30 p.m.

LIVE MUSIC: Dario y Su Comborican

INVOCATION – Pastor Judy Hald – St. Mark Methodist Church

15. Approval of Minutes for Regular Meetings of July 22, 1999 and July 29, 1999
This item was approved on Council Member Garcia's motion, Mayor Pro Tem Goodman's second by a 4-0 vote. Council Members Lewis, Slusher and Spelman were off the dais.

CITIZEN COMMUNICATIONS: GENERAL

16. Gus Peña – 1. To discuss City health and dental clinics and budget; 2. Don't close any clinics, don't lay off people; 3. To discuss city budget
17. Jimmy Castro – It's time to Rock Enroll Back to School
18. Johnette Langford – Changing the name of East Austin Sector from Charlie Sector
Absent
19. Gene Watkins – Affordable Housing
Absent
20. Stephen Meeks – Mayor's Homeless Initiative
21. Vanessa Martin – "Mission Possible" – City Wide SAPP Youth Event
Saturday, August 28th
22. Mike Alexander – Discuss Noise
23. Paul Robbins

DISCUSSION AGENDA

37. Authorize the negotiation and execution of two contracts for the Greenways and Destination Parks to purchase approximately 160 acres in fee simple from the TRUST FOR PUBLIC LAND and GEOFFREY SOWASH, as authorized by the November 1998 Bond Proposition 2, in a amount not to exceed \$992,319 or the appraised value, whichever is lower. (Funding in an amount of \$992,319 was included in the 1998-99 Amended Capital Budget of the Parks and Recreation Department.)
Resolution No. 990805-37 was approved on Council Member Lewis' motion, Council Member Garcia's second by a 7-0 vote.
27. Approve a resolution authorizing and directing publication of an Official Notice of Intention to issue \$5,590,000 City of Austin, Texas Certificates of Obligation, Series 1999.
Resolution No. 990805-27 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.
35. Approve a resolution authorizing the City Manager or his designee to execute a Ground Lease with Post Agreement Homes, L.P. for the Poleyard Tract, located on West 3rd Street between West Avenue and Bowie Street with a revised calculation of additional rent. (No fiscal impact for current year's budget. May affect future revenue.)
Resolution No. 990805-35 was approved on Council Member Lewis' motion, Council Member Spelman's second by a 7-0 vote.
34. C14-98-0247 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Manchaca Road and Dittmar Road from "DR", Development Reserve district to SF-2-CO. Single-Family Residence-Conditional Overlay Combining district zoning with conditions. First reading on May 6, 1999; Vote: 6-0, Watson off dais. Conditions met as follows: Conditional overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Patricia Fay Tinnin and May Jane Ramsey; Agent: Kurkjian Engineering Corporation (Garabed A. Harutunian. City Staff: Joe Arriaga, 499-2308. (continued from 6/3/99 and 7/15/99)
Ordinance No. 990805-34 was approved on Council Member Spelman's motion, Council Member Lewis' second by a 7-0 vote.

EXECUTIVE SESSION

A motion to recess the Council meeting and go into Executive Session was approved on Council Member Griffith's motion, Council Member Spelman's second by a 7-0 vote.

Executive Session was held at 2:45 p.m.

14. Discuss legal issues concerning the northern boundary line of the Sand Beach Reserve tract on the North side of Town Lake at Lamar Boulevard.

Executive Session ended at 3:35 p.m.

DISCUSSION ITEMS CONTINUED

24. Approve a resolution authorizing nominating projects for funding through the Statewide Transportation Enhancement Program of the Texas Department of Transportation, and certifying the availability of matching funds for proposed projects. (Matching funds are subject to inclusion in future Capital Budgets of the Departments of Public Works and Transportation, Parks and Recreation Department, and Austin Energy. Availability of matching funds has been established in the 1999-2000 FiveYear Capital Improvements Program Plan with exceptions noted by asterisks on the attached exhibit.) (6/21/99 - Urban Transportation Commission endorsed submittal of project applications.)

A friendly amendment was made to accept the projects in the following order:

- 1. Central East/West Crosstown Bikeway**
- 2. Comprehensive Urban Trails System Ph. II**
- 3. Great Streets: Red River Streetscape**
- 4. Lamar Pedestrian/Bicycle Bridge Ph. II**
- 5. Plaza Saltillo Phase II**
- 6. Bicycle Connector Route**
- 7. Bicycle Bridge**
- 8. Roadside management & Ecological Restoration**
- 9. Downtown Historic Streetscape Improvements**
- 10. Historic Neighborhoods Sidewalk Construction on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.**

A motion was made to rank Lamar Boulevard Pedestrian Enhancement Phase I, number 11 on the list on Council Member Spelman's motion, Council Member second by a 7-0 vote

A motion was made to rank the Downtown Vintage Trolley Lane number 12 on Mayor Pro Tem Goodman's motion, Council Member Lewis' second by a 2-5 vote, Council Members Garcia, Griffith, Slusher and Spelman voted no.

26. Authorize City Manager to negotiate and execute a contract with First Workers' Corporation for the purchase of day labor site operation services in an amount not to exceed \$51,911 for the period August 7, 1999 through December 31, 1999. (Funding in the amount of \$47,790 is available from the Health and Human Services Fiscal Year 1998-99 Operating Budget. Funding for the remaining balance of \$4,121 is contingent upon the 1999-2000 budget approval.)

Resolution No. 990805-26 was approved on Council Member Spelman's motion, Council Member Garcia's second by a 7-0 vote.

CONSENT ZONING ITEMS

ALL OF THE FOLLOWING ZONING ITEMS WERE ACTED ON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION OCCURRED ON ANY OF THE ITEMS. THE PUBLIC HEARINGS WERE CLOSED AND THE CONSENT ITEMS WERE APPROVED ON COUNCIL MEMBER GARCIA'S MOTION, COUNCIL MEMBER SPELMAN'S SECOND BY A 7-0 VOTE.

40. C14-99-0083 – Colorado Bluffs - Public hearing of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Thornberry Road and Crozier Lane from “I-RR”, Interim Rural Residence district and “DR” Development Reserve district zoning to “P”, Public district zoning. Planning Commission Recommendation: Recommendation pending. Applicant: Cap View Development Corp., A Nevada Corp. (Rocky Hollingshead); Agent: Terry Irion. City Staff: Cecilia Williams, 499-2251.
This item was postponed to August 19, 1999 at the request of staff.
42. C14-99-0087 - Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as 1900-2012 Woodward Street from “LO”, Limited Office district to “MF-1”, Multifamily Residence (Limited Density) district zoning. Planning Commission Recommendation: To grant “MF-1”, Multifamily Residence (Limited Density) district zoning. Applicant: David E. Hood; Agent: LRI IV, LTD (Robert Voelker). City Staff: Cecilia Williams, 499-2251. (continued from 7/29/99)
First reading of this ordinance was approved.

DISCUSSION ZONING ITEMS

41. C14-98-0132 – Public hearing to amend Chapter 25-2 of the Austin City Code by rezoning property locally known as Smith Road & Ed Bluestein Blvd. From “SF-2”, Single Family Residence (Standard Lot) district to “LI”, Limited Industrial Service district zoning. Planning Commission Recommendation: To Deny “LI”, Limited Industrial Service district zoning. Applicant: McCandless Bluestein Venture (Mark Ritter); Agent: Armbrust, Brown & Davis, LLP (David B. Armbrust). City Staff: Antonio Gonzalez, 499-2243. (continued from 7/1/99 and 7/29/99)
A motion to close the public hearing and approve first reading of this ordinance on Council Member Garcia’s motion, Mayor Watson’s second by a 7-0 vote.

A motion was made to recess the Council meeting at 5:18 and to return at 6:00 p.m. on Council Member Spelman’s motion, Council Member Slusher’s second by a 7-0 vote.

PUBLIC HEARINGS 6:00 P.M.

44. Conduct a public hearing to change the street name of Calf Roping Lane to CALF ROPING TRAIL, from the intersection of Calf Roping Lane and Rodeo Lane southerly approximately 75 feet.
A motion was made to close the public hearing on Council Member Lewis’ motion, Council Member Garcia’s second by a 5-0 vote. Council Members Griffith and Spelman were off the dais.
47. Approve to change the street name of Calf Roping Lane to CALF ROPING TRAIL, from the intersection of Calf Roping Lane and Rodeo Lane southerly approximately 75 feet.
Resolution No. 990805-47 was approved on Council Member Lewis’ motion, Council Member Garcia’s second by a 5-0 vote. Council Members Griffith and Spelman were off the dais.

45. Conduct a public hearing and consider an ordinance amending Land Development Code Sections 25-8-424 and 25-8-454 relating to impervious cover in the Water Supply Rural and Water Supply Suburban watersheds and amending Section 25-8-92 relating to critical water quality zoned in urban watersheds. City Staff: Sheila Rainosek, 499-2693.

A motion to close the public hearing was made on Mayor Pro Tem Goodman's motion, Mayor Watson's second by a 4-0 vote. Council Members Griffith and Lewis were off the dais. Council Member Garcia was absent.

48. Approve an ordinance amending Land Development Code Sections 25-8-424 and 25-8-454 relating to impervious cover in the Water Supply Rural and Water Supply Suburban watersheds and amending Section 25-8-92 relating to critical water quality zoned in urban watersheds.

A motion to approve the first reading of this ordinance was by Council Member Spelman. A friendly amendment was made by Mayor Pro Tem Goodman to send back to the Planning Commission to consider hardship provision that would contain specific criteria. The maker of the motion accepted the friendly amendment. A friendly amendment was made by Mayor Pro Tem Goodman to send the entire package, 31, 39, 43 and 46. The friendly amendment was accepted by the maker.

A substitute motion was made by Mayor Pro Tem Goodman that all submittals be put on hold until August 26, 1999. The substitute motion was withdrawn.

A substitute motion to approve on all three readings, with an expiration date of September 20, 1999; hold a public hearing on August 26, 1999; refer back to the Planning Commission in conjunction with items 31, 39, 43, and 46 and to specifically consider the hardship provisions on Council Member Slusher's motion, Council Member Griffith's second by a 4-2 vote. Council Members Spelman and Slusher voted no. Council Member Garcia was absent.

A substitute motion to approve on first reading with an expiration date of September 20, 1999 and refer to the Planning Commission along with items 31, 39, 43, and 46; and to specifically consider a hardship provision failed on Council Member Slusher's motion, Council Member Griffith's second by a 3-3 vote. Mayor Watson, Council Members Lewis and Spelman voted no. Council Member Garcia was absent.

An amendment to the main motion to withhold all submittals was made by Council Member Griffith and seconded by Mayor Pro Tem Goodman. It failed on a 3-3 vote. Mayor Watson, Council Members Lewis and Slusher voted no. Council Member Garcia was absent.

A motion to approve the first reading of this ordinance; to send the entire package, 31, 39, 43 and 46 and consider a hardship provision that would contain specific criteria on Council Member Spelman's motion, Council Member Lewis' second. It failed on a 2-4 vote. Mayor Watson, Council Members Goodman, Griffith and Slusher voting no. Council Member Garcia was absent.

This item was postponed two weeks to August 19, 1999 on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Garcia was absent.

43. Conduct a public hearing on an ordinance amending Title 25 of the City Code relating to the expiration of preliminary subdivision plans.

A motion was made to close the public hearing on Council Member Lewis' motion, Council Member Griffith's second by a 5-0 vote. Council Member Slusher off the dais. Council Member Garcia was absent.

46. Approve an ordinance amending Title 25 of the City Code relating to the expiration of preliminary subdivision plans.

There was a motion to postponed this item August 19, 1999 on Council Member Lewis' motion, Council Member Spelman's second by a. The motion was withdrawn.

Ordinance No. 990805-46 was approved on Council Member Slusher's motion, Council Member Griffith's second by a 5-1 vote. Council Member Spelman voted no. Council Member Garcia was absent.

DISCUSSION ITEMS CONTINUED

31. Approve an ordinance amending the fee schedule for water and wastewater capital recovery fees to increase the base fees and incorporate discounts based on Smart Growth Zone Specific Incentives. (Recommended by the City Council Smart Growth Subcommittee, Water and Wastewater Commission, Planning Commission, and the Environmental Board)

Ordinance No. 990805-31 was approved on Council Member Spelman's motion, Council Member Slusher's second by a 6-0 vote. Council Member Garcia was absent.

39. Approve a resolution directing the City Manager to include in the City Fee Ordinance FY 1999-2000 the Smart Growth Zone Specific Incentives related to land development review fees as approved by the City Council Smart Growth Subcommittee on July 19, 1999. (Council Member Daryl Slusher, Mayor Kirk Watson, Mayor Pro Tem Goodman)

Resolution No. 990805-39 was approved on Council Member Spelman's motion, Council Member Slusher's second by a 6-0 vote. Council Member Garcia was absent.

The Regular Council Meeting was adjourned at 9:12 p.m. on Council Member Griffith's motion, Council Member Spelman's second by a 6-0 vote. Council Member Garcia was absent.

THE CITY COUNCIL OF AUSTIN, TEXAS, CONVENED IN A SPECIAL CALLED MEETING AT 9:12 P.M. ON THURSDAY, AUGUST 5, 1999 AT CITY COUNCIL CHAMBERS, 307 WEST SECOND STREET, FOR THE FOLLOWING PURPOSES:

ADDENDUM

1. Conduct a public hearing to present and receive public input on the Proposed City of Austin/Lower Colorado River Authority Water Supply Purchase Agreement to be completed by the end of August, 1999.

A motion was made to close the public hearing on Mayor Pro Tem Goodman's motion, Mayor Watson's second by a 5-0 vote. Council Member Griffith was off the dais. Council Member Garcia was absent.

ADJOURNED the Special Called Meeting at 9:50 p.m. on Council Member Spelman's motion, Council Member Slusher's second by a 5-0 vote. Council Member Griffith was off the dais. Council Member Garcia was absent.

The minutes for the Meeting of August 5, 1999 were approved on this the 19th day of August, 1999 on Council Member Spelman's motion, Council Member Griffith's second by a 7-0 vote.